

REFERENCE TITLE: Arizona emergency response commission; continuation

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

## HB 2373

Introduced by  
Representatives Clark, Crandall, Barto, Biggs, Burges, Farley, McLain,  
Weiers JP

### AN ACT

AMENDING SECTION 26-343, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3008.08, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3013.11; RELATING TO THE ARIZONA EMERGENCY RESPONSE COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 26-343, Arizona Revised Statutes, is amended to  
3 read:

4       26-343. Arizona emergency response commission; advisory  
5       committee; powers and duties

6       A. The Arizona emergency response commission is established consisting  
7 of the director of the division, who shall serve as chairperson, and the  
8 directors, or their respective designees, of the department of environmental  
9 quality, the department of health services, the department of public safety,  
10 ~~and~~ the department of transportation **AND THE ARIZONA DEPARTMENT OF HOMELAND**  
11 **SECURITY.**

12       B. An advisory committee to the commission is established consisting  
13 of:

14           1. The state fire marshal.  
15           2. The chief administrative officer, or the officer's designee, of the  
16 following agencies:

- 17           (a) Arizona department of agriculture.  
18           (b) Corporation commission.  
19           (c) Industrial commission.  
20           (d) Radiation regulatory agency.  
21           (e) State mine inspector.

22           3. Two representatives nominated by the Arizona fire chiefs' association incorporated or its successor agency. One nominee shall represent a fire department serving a population of two hundred fifty thousand or more persons. One nominee shall represent a fire department or fire district serving a population of less than two hundred fifty thousand persons. The term of appointment is for two years.

23       C. The governor shall appoint four private sector representatives to the advisory committee to the commission after reviewing the recommendations provided by the commission. The governor shall appoint, or reappoint, two of the members each year from the private sector, to serve terms of two years. These members, to the extent practicable, shall have technical expertise in the emergency response field.

24       D. The members of the commission shall serve without compensation but are eligible for reimbursement for travel and other expenses as provided by law. The division and the department of environmental quality shall provide such professional, technical or administrative staff support as necessary to implement and perform the commission duties.

25       E. The commission shall meet as often as necessary and may organize itself into such support committees as necessary to implement this article and title III in this state. The full commission shall meet at least annually. The commission may adopt internal operating rules.

26       F. The commission shall administer this article and the rules adopted under this article. The commission shall administer title III in this state and may conduct whatever activities are necessary to implement this article

1 and title III in this state. The commission is granted all the authority and  
2 responsibilities of a state emergency response commission for purposes of  
3 title III.

4 G. The commission may procure by contract the temporary or  
5 intermittent services of experts or consultants if such services are to be  
6 performed on a part-time or fee-for-services basis and do not involve the  
7 performance of administrative duties. The commission may also enter into  
8 agreements with the federal government, Indian tribes, other states and  
9 political subdivisions of this state for the purposes of this article. The  
10 commission may also accept on behalf of this state any reimbursement, grant  
11 or gift that may become available for purposes of this chapter. The  
12 commission shall deposit, pursuant to sections 35-146 and 35-147, any such  
13 monies in the emergency response fund.

14 H. The commission shall establish a program of financial grants to  
15 local governments funded through the division by appropriations to the  
16 emergency response fund. The grants shall be dedicated to and used for local  
17 compliance with this article. The commission shall include procedures for  
18 applying for the grants and qualifying criteria for awarding the grants.

19 I. The commission shall adopt and may modify, suspend or repeal rules  
20 pursuant to title 41, chapter 6. The rules may not be more stringent than  
21 title III and the federal regulations adopted under title III, except as  
22 specifically authorized in this article. These rules shall implement this  
23 chapter and title III in this state. The authority to adopt rules includes  
24 establishing:

- 25 1. Procedures for handling public information requests.
- 26 2. Procedures and implementing programs for chemical emergency  
27 planning and preparedness.
- 28 3. Community right-to-know program reporting requirements.
- 29 4. Release reporting requirements.

30 J. Commissioners and advisory committee members shall ensure that  
31 mandatory hazardous materials training programs for on-scene command  
32 personnel that are developed, delivered or managed by their respective  
33 agencies, departments or divisions address notification procedures,  
34 coordination of services and comprehensive management for protection of the  
35 public health during and after a chemical or other toxic fire event. The  
36 training shall include notification and coordination with the emergency  
37 response unit of the department of environmental quality, the department of  
38 public safety, the department of transportation, the radiation regulatory  
39 agency, the commission, local emergency planning committees, the department  
40 of health services, the division of emergency management, the national  
41 response center and the Arizona poison control system. Training shall also  
42 include orientation on the state emergency response and recovery plan  
43 concerning hazardous materials. Commissioners and advisory committee members  
44 shall encourage private companies that deliver similar training in Arizona to  
45 include the same curriculum in their programs.

1       Sec. 2. Repeal

2       Section 41-3008.08, Arizona Revised Statutes, is repealed.

3       Sec. 3. Title 41, chapter 27, article 2, Arizona Revised Statutes, is  
4 amended by adding section 41-3013.11, to read:

5       41-3013.11. Arizona emergency response commission: termination

6                      July 1, 2013

7                  A. THE ARIZONA EMERGENCY RESPONSE COMMISSION TERMINATES ON JULY 1,  
8 2013.

9                  B. TITLE 26, CHAPTER 2, ARTICLE 3 IS REPEALED ON JANUARY 1, 2014.

10         Sec. 4. Purpose

11         Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,  
12 the legislature continues the Arizona emergency response commission to  
13 supervise, coordinate and assist local emergency planning committees for  
14 purposes of the emergency planning and community right-to-know act of 1986  
15 (P.L. 99-499, title III).

16         Sec. 5. Retroactivity

17         Sections 2 and 3 of this act are effective retroactively to July 1,  
18 2008.